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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, *et al.*, *ex*
rel., JOHN CHUNG,

Plaintiffs,

v.

THE KROGER CO., d/b/a/ KROGER,
KROGER FRESH FARE, KROGER
MARKETPLACE, *et al.*,

Defendants.

Case No. 2:20-cv-00409-JAM-AC

**ORDER ON STATE OF CALIFORNIA'S
NOTICE OF ELECTION TO DECLINE
INTERVENTION AND CONSENT TO
DISMISSAL**

The State of California ("California"), having declined to intervene in this action pursuant to the California False Claims Act, California Government Code section 12652, subdivision (c)(6)(B), and each of the named plaintiff States of States of Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Michigan, Montana, Nevada, New Mexico, North Carolina, Tennessee, Texas, and Washington, the Commonwealth of Virginia, and the District of Columbia (hereinafter, "States") having indicated to California that they join in California's Notice of Election to Decline Intervention and Consent to Dismissal, the Court rules as follows:

IT IS ORDERED that,

1 1. Only the *qui tam* complaint, California's Notice of Election to Decline Intervention,
2 this Order, and any similar notice and proposed order filed by the United States shall be unsealed
3 and served upon the defendants by the relator. All other contents of the Court's file in this matter
4 shall remain under seal and not be made public or served upon the defendants;

5 2. To the extent required by any of the States' respective False Claims Acts, the parties
6 shall serve all pleadings and motions filed in this action, including supporting memoranda, upon
7 the States;

8 3. All orders of this Court shall be sent to California;

9 4. The States may order any deposition transcripts and are entitled to intervene in this
10 action, for good cause, at any time;

11 5. The parties shall serve all notices of appeal upon the States;

12 6. All claims asserted on the behalf of the State of Maryland are dismissed without
13 prejudice; and,

14 7. Should the relator seek voluntary dismissal of the states' claims, the States consent
15 to said dismissal without prejudice as to the States' respective claims.

16 IT IS SO ORDERED.

17
18 Dated: July 28, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE